

temperature of 75 °C (167 °F) for 48 consecutive hours.

(b) Fusees (highway and railway) must be packaged in steel drums (1A2), steel jerricans (3A2), wooden (4C1, 4C2), plywood (4D) or reconstituted wood (4F) boxes or in fiberboard boxes (4G), plywood (1D) or fiber (1G) drums. If the fusees are equipped with spikes packagings must have reinforced ends to prevent penetration of spikes through the outer packagings; packages must be capable of passing drop test requirements (§178.603 of this subchapter), including at least one drop with spike in a downward position, and other requirements of part 178 of this subchapter, at the Packing Group II performance level.

[Amdt. 173-224, 55 FR 52643, Dec. 21, 1990, as amended at 66 FR 45379]

#### § 173.185 Lithium batteries and cells.

(a) Except as otherwise provided in this subpart, a lithium cell or battery is authorized for transportation only if it conforms to the provisions of this section. For the purposes of this subchapter, "lithium content" means the mass of lithium in the anode of a lithium metal or lithium alloy cell, except in the case of a lithium ion cell where the "equivalent lithium content" in grams is calculated to be 0.3 times the rated capacity in ampere-hours. The lithium-equivalent content of a battery equals the sum of the grams of lithium-equivalent content contained in the component cells of the battery.

(b) *Exceptions.* Except for primary (non-rechargeable) lithium batteries and cells transported aboard passenger-carrying aircraft, cells and batteries are not subject to any other requirements of this subchapter if they meet the following:

(1) Each cell with a liquid cathode may contain not more than 0.5 g of lithium content. Each cell with a solid cathode may contain not more than 1.0 g of lithium content. Each lithium ion cell may contain not more than 1.5 g of equivalent lithium content;

(2) Each battery with a liquid cathode may contain an aggregate quantity of not more than 1.0 g of lithium content. Each battery with a solid cathode may contain an aggregate quantity of not more than 2.0 g of lithium content.

Each lithium-ion battery may contain an aggregate quantity of not more than 8.0 grams of equivalent lithium content;

(3) Each cell or battery containing a liquid cathode must be hermetically sealed;

(4) Cells and batteries must be packed in such a way so as to prevent short circuits and must be packed in strong packagings, except when installed in equipment; and

(5) The outside of each package that contains a primary (non-rechargeable) lithium battery or cell must be marked "PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT" on a background of contrasting color, in letters:

(i) At least 12 mm (0.5 inch) in height on packages having a gross mass of more than 30 kg (66 pounds); or

(ii) At least 6 mm (0.25 inch) on packages having a gross mass of 30 kg (66 pounds) or less; and

(6) If when fully charged, the aggregate lithium content of the anodes in a liquid cathode battery is more than 0.5 g, or the aggregate lithium content of the anodes in a solid cathode battery is more than 1.0 g, then the battery may not contain a liquid or gas that is a hazardous material according to this subchapter unless the liquid or gas, if free, would be completely absorbed or neutralized by other materials in the battery.

(c) Except for primary lithium (non-rechargeable) batteries and cells transported aboard passenger-carrying aircraft, cells and batteries are not subject to any other requirements of this subchapter if they meet the following:

(1) The lithium content of the anode of each cell, when fully charged, is not more than 5 g;

(2) The aggregate lithium content of the anodes of each battery, when fully charged, is not more than 25 g;

(3) Each cell or battery is of the type proven to be non-dangerous by testing in accordance with Tests in the UN Manual of Tests and Criteria (IBR; see §171.7 of this subchapter). Such testing must be carried out on each type of cell or battery prior to the initial transport of that type. A cell or battery and equipment containing a cell or battery

which was first transported prior to January 1, 2006 and is of a type proven to meet the criteria of Class 9 by testing in accordance with the tests in the UN Manual of Tests and Criteria, Third Revised Edition, 1999 is not required to be retested;

(4) The outside of each package that contains a primary (non-rechargeable) lithium battery or cell must be marked "PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT" on a background of contrasting color, in letters:

(i) At least 12 mm (0.5 inch) in height on packages having a gross mass of more than 30 kg (66 pounds); or

(ii) At least 6 mm (0.25 inch) on packages having a gross mass of 30 kg (66 pounds) or less; and

(5) Cells and batteries are designed or packed in such a way as to prevent short circuits under conditions normally encountered in transportation.

(d) Except for transportation aboard passenger-carrying aircraft, cells and batteries and equipment containing cells and batteries that were first transported prior to January 1, 1995, and were assigned to Class 9 on the basis of the requirements of this subchapter in effect on October 1, 1993, may continue to be transported in accordance with the applicable requirements in effect on October 1, 1993.

(e) Cells and batteries may be transported as items of Class 9 if they meet the requirements in paragraphs (e)(1) through (e)(7) of this section:

(1) Each cell and battery must be equipped with an effective means of preventing external short circuits.

(2) Each cell and battery must incorporate a safety venting device or be designed in a manner that will preclude a violent rupture under conditions normally incidental to transportation.

(3) Batteries containing cells or series of cells connected in parallel must be equipped with effective means, (such as diodes, fuses, etc.) as necessary to prevent dangerous reverse current flow.

(4) Authorized outer packagings: rigid outer packagings that conform to the general packaging requirements of part 173 and the packaging specification and performance requirements of

part 178 of this subchapter at the Packing Group II performance level. Cells and batteries must be packed in such a manner as to effectively prevent short circuits through the use of inner packagings, dividers, or other suitable means.

(5) [Reserved]

(6) Each cell or battery is of the type proven to meet the lithium battery requirements in the UN Manual of Tests and Criteria (IBR; see § 171.7 of this subchapter). A cell or battery and equipment containing a cell or battery of a design type which was first transported prior to January 1, 2006 and is of a type proven to meet the criteria of Class 9 by testing in accordance with the tests in the UN Manual of Tests and Criteria, Third Revised Edition, 1999 is not required to be retested;

(7) Except as provided in paragraph (h) of this section, cells and batteries with a liquid cathode containing sulfur dioxide, sulfur chloride or thionyl chloride may not be offered for transportation or transported if any cell has been discharged to the extent that the open circuit voltage is less than two volts, or is less than two-thirds of the voltage of the fully charged cell, whichever is less.

(f) Equipment containing or packed with cells and batteries meeting the requirements of paragraph (b) or (c) of this section is excepted from all other requirements of this subchapter.

(g) Equipment containing or packed with cells and batteries may be transported as items of Class 9 if the batteries and cells meet all requirements of paragraph (e) of this section and are packaged as follows:

(1) Equipment containing cells and batteries must be packed in a strong outer packaging that is waterproof or has a waterproof liner, unless the equipment is made waterproof by nature of its construction. The equipment must be secured within the outer packaging and be packed as to effectively prevent moving, short circuits, and accidental operation during transport; and

(2) Cells and batteries packed with equipment must be packed in inner packagings conforming to (e)(4) of this

section in such a manner as to effectively prevent moving and short circuits.

(h) Cells and batteries, for disposal, may be offered for transportation or transported to a permitted storage facility and disposal site by motor vehicle when they meet the following requirements:

(1) Be equipped with an effective means of preventing external short circuits; and

(2) Be packed in a strong outer packaging conforming to the requirements of §§173.24 and 173.24a. The packaging need not conform to performance requirements of part 178 of this subchapter.

(i) Cells and batteries and equipment containing or packed with cells and batteries which do not comply with the provisions of this section may be transported only if they are approved by the Associate Administrator.

(j) For testing purposes, when not contained in equipment, cells and batteries may be offered for transportation or transported by highway as items of Class 9. Packaging must conform with paragraph (e)(4) of this section.

(k) Batteries employing a strong, impact-resistant outer casing and exceeding a gross mass of 12 kg (26.5 lbs.), and assemblies of such batteries, may be packed in strong outer packagings, in protective enclosures (for example, in fully enclosed wooden slatted crates) or on pallets. Batteries must be secured to prevent inadvertent movement, and the terminals may not support the weight of other superimposed elements. Batteries packaged in this manner are not permitted for transportation by passenger aircraft, and may be transported by cargo aircraft only if approved by the Associate Administrator prior to transportation.

[66 FR 8647, Feb. 1, 2001; 66 FR 33430, June 21, 2001, as amended at 66 FR 45379, Aug. 28, 2001; 67 FR 15743, Apr. 3, 2002; 68 FR 45034, July 31, 2003; 68 FR 75742, Dec. 31, 2003; 69 FR 34611, June 22, 2004; 69 FR 54046, Sept. 7, 2004; 69 FR 75216, Dec. 15, 2004; 69 FR 76157, Dec. 20, 2004; 68 FR 61941, Oct. 30, 2003; 70 FR 34398, June 14, 2005]

EDITORIAL NOTE: At 68 FR 61941, Oct. 30, 2003, §173.185 was amended; however, a portion of the amendment could not be incor-

porated due to inaccurate amendatory instruction.

EFFECTIVE DATE NOTE: At 72 FR 44949, Aug. 9, 2007, §173.185 was revised, effective Jan. 1, 2008. For the convenience of the user, the revised text is set forth as follows:

**§ 173.185 Lithium cells and batteries.**

(a) *Cells and batteries.* A lithium cell or battery, including a lithium polymer cell or battery and a lithium-ion cell or battery, must conform to all of the following requirements:

(1) Be of a type proven to meet the requirements of each test in the UN Manual of Tests and Criteria (IBR; see §171.7 of this subchapter). A cell or battery and equipment containing a cell or battery that was first transported prior to January 1, 2006 and is of a type proven to meet the criteria of Class 9 by testing in accordance with the tests in the UN Manual of Tests and Criteria, Third Revised Edition, 1999, need not be retested.

(2) Incorporate a safety venting device or otherwise be designed in a manner that will preclude a violent rupture under conditions normally incident to transportation.

(3) Be equipped with an effective means to prevent dangerous reverse current flow (e.g., diodes, fuses, etc.) if a battery contains cells or series of cells that are connected in parallel.

(4) Be packaged in combination packagings conforming to the requirements of part 178, subparts L and M, of this subchapter at the Packing Group II performance level. The lithium battery or cell must be packed in inner packagings in such a manner as to prevent short circuits, including movement which could lead to short circuits. The inner packaging must be packed within one of the following outer packagings: metal boxes (4A or 4B); wooden boxes (4C1, 4C2, 4D, or 4F); fiberboard boxes (4G); solid plastic boxes (4H2); fiber drums (1G); metal drums (1A2 or 1B2); plywood drums (1D); plastic jerricans (3H2); or metal jerricans (3A2 or 3B2).

(5) Be equipped with an effective means of preventing external short circuits.

(6) Except as provided in paragraph (d) of this section, cells and batteries with a liquid cathode containing sulfur dioxide, sulfuryl chloride or thionyl chloride may not be offered for transportation or transported if any cell has been discharged to the extent that the open circuit voltage is less than two volts or is less than 2/3 of the voltage of the fully charged cell, whichever is less.

(b) *Lithium cells or batteries packed with equipment.* Lithium cells or batteries packed with equipment may be transported as Class 9 materials if the batteries and cells meet all the requirements of paragraph (a) of this section. The equipment and the packages of cells or batteries must be further packed in